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Board of Supervisors

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Board of Supervisors

London Grove Township is served by five elected Supervisors. The Supervisors serve 6-year staggered terms and collectively make up the governing body known as the Board of Supervisors. The Board of Supervisors is the legislative body directly responsible to the voters of the Township. They set the policies that the Staff is responsible for implementing. The Board also makes the major decisions regarding operations and issues before the Township such as the annual budget and development plan approvals/denials

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BOARD OF SUPERVISORS:

David Connors - Term 1/1/2012 - 12/31/2017 dconnors@londongrove.org

Michael Pickel - Term 1/1/2012 - 12/31/2017 mpickel@londongrove.org

Robert Weer - Term 1/1/2014 - 12/31/2019 rweer@londongrove.org

Robert Hittinger - Term 1/1/2010 - 12/31/2015
rhittinger@londongrove.org

Richard Scott-Harper - Term 1/1/2014 - 12/31/2019
rscottharper@londongrove.org

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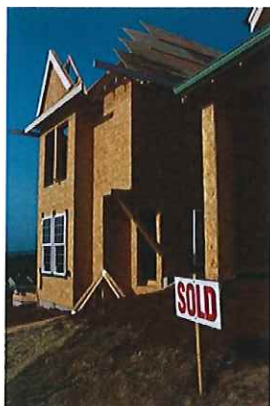
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 Colleen Preston, Vice Chair
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 Charles C Shock
 Frank Scarpato
 Geoffrey Stroud
 Aimee Bowers

Steven C. Brown, Recording Secretary

Email:
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Zoning Hearing Board

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VACANCY
 Ed Hatchigian
 William Grandizio
 Stacy Starr, Alternate Member
 Timothy Knauer, Esq. (Solicitor)
 Colleen Pimer, Court Reporter

The Zoning Hearing Board is an appointed, but autonomous, body of three volunteers from London Grove Township. However, while being appointed by the Board of Supervisors, they function independently and are authorized to make binding decisions. In this way they are unlike other volunteer boards that only make recommendations to the Board of Supervisors. As such, the ZHB is considered to be a "quasi-judicial" body and appeals from their decisions go to the Court of Common Pleas in West Chester.

London Grove Township
 Zoning Hearing Board
 372 Rose Hill Road, Suite 100
 West Grove, PA 19390
 Phone: 610-345-0100
 Fax: 610-345-0455

The following is the process that applicants must follow to schedule a hearing with the ZHB:

- File the form (click below for the application), the \$500 fee (this covers roughly half the cost of the hearing, the Township covers the other half) and plans. Five copies of the form and plans are to be provided.
- Township staff then processes the application and schedules a hearing.
- The Board of Supervisors considers the application at a public meeting; while an applicant need not attend this meeting, it is recommended to do so in the event the Board has questions. The Supervisors review each and every application to the ZHB to determine if they want to take a position on the appeal.
- Prepare for and attend the hearing before the ZHB. You must prepare specific arguments, or reasons, for them to grant the relief you are requesting. The Zoning Ordinance lists the criteria you must meet and you should review it prior to your hearing. The ZHB has 45 days to make a decision but in most cases will decide it the night of the hearing.
- If the appeal is granted, follow through with the appropriate Township staff to receive approval and permits for your project.

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The Board of Supervisors has established a seven person Steering Committee to work with Grafton Associates, a local land planning firm, to review and update the Township's Zoning Ordinance and Map. The Zoning Ordinance is the main method by which a community implements its Comprehensive Plan. An updated ordinance will enable the Township to manage and direct growth, promote economic development, preserve farmland and natural features and to promote the health, safety and welfare of the public.

The Committee will hold regular public meetings at the Township Building. The first meeting will be April 18, 2013 at 3 p.m. A meeting schedule will be established for the remainder of the project, which is anticipated to last 12-18 months. Residents, property owners and other interested parties are welcome to attend these meetings and to participate in the process.

As the project moves forward, there will also be meetings with the Board of Supervisors and the Planning Commission. These too, will be public meetings where comments from residents, property owners and interested parties will be welcome.

It is important that the public be aware of, and participates in, the update of the Zoning Ordinance and Map. It is one of the most important documents in a community and is generally only updated in a comprehensive fashion every 10 years or so. If you are interested, you can participate through the various public meetings or via contact with the Township Staff, Steering Committee or Board of Supervisors.

If you have questions, please contact Steven Brown, Township Manager at 610 345-0100 or at sbrown@londongrove.org.

Members and Contact Information

- Michael Pickel
- Charles C. Shock
- Neil Vanore
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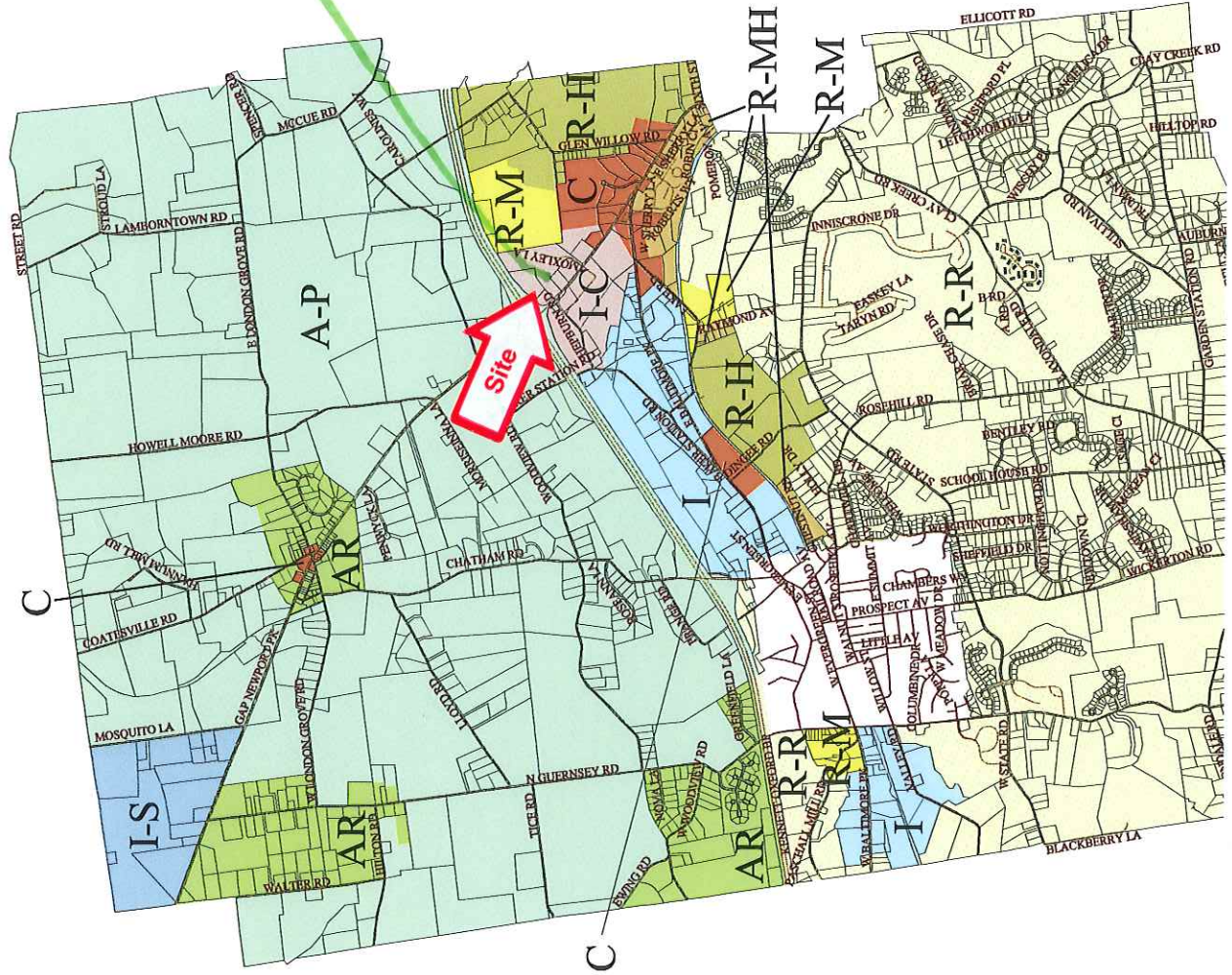
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 372 ROSEHILL ROAD, SUITE 100
 WEST GROVE, PA 19390
www.london-grove.pa.us



Zone	Acres
A-P	4758.06
AR	577.84
C	135.10
I	432.54
I-C	125.09
I-S	205.30
R-H	346.46
R-M	120.03
R-MH	85.10
R-R	4257.98
TOTAL	11043.50

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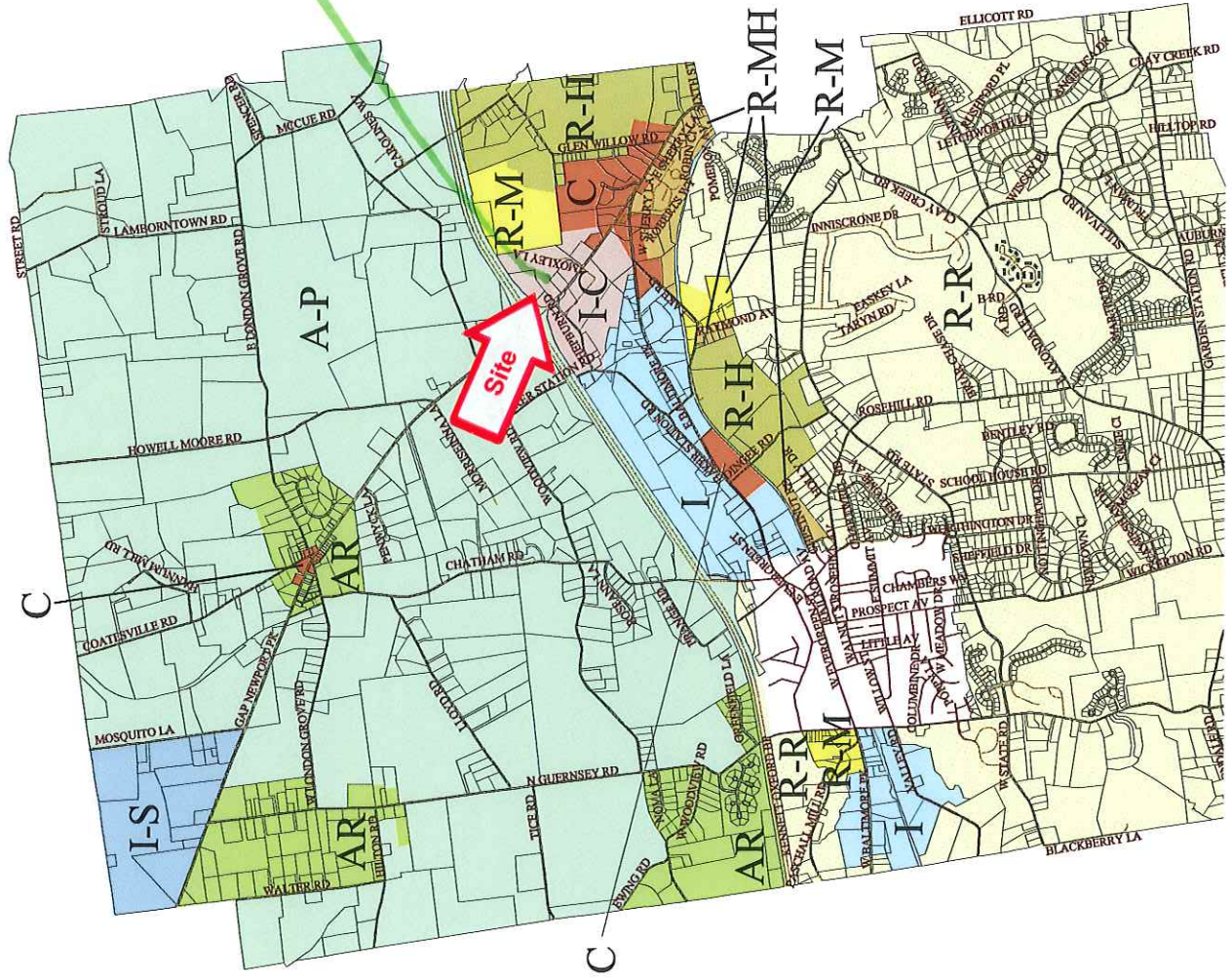
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Municipality
Location



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372 ROSEHILL ROAD, SUITE 100
WEST GROVE, PA 19390
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Zone	Acres
A-P	4758.06
AR	577.84
C	135.10
I	432.54
I-C	125.09
I-S	205.30
R-H	346.46
R-M	120.03
R-MH	85.10
R-R	4257.98
TOTAL	11043.50

Part 11**Commercial, Interchange District (CI)****§27-1101. Purpose and Specific Intent.**

To provide specific areas for high intensity commercial uses while preserving rural character and agricultural heritage the residents have indicated are desirable. It is the intent of this Chapter to make provisions for specific areas wherein high intensity commercial uses may be concentrated so that:

A. These uses, singly or cumulatively, shall not create conditions incompatible with the residential and agricultural uses.

B. The concentration of these uses will minimize the demands upon the infrastructure within the Township, thus, avoiding inefficient extension of sewer interceptor lines, extensive road improvements and traffic congestion, demands for dispersed Township-wide services, etc.

C. The concentration of these commercial uses will encourage concentrations of retail and office uses so that each may benefit by the increased attraction of customers generated by others, thereby encouraging trade and commerce.

D. These retail uses may be utilized by residents of other municipalities while minimizing the impact on the infrastructure.

(Ord. 74, 3/30/1995, §1000)

§27-1102. Permitted Uses.

1. A building may be erected or altered and a lot may be used for any one or combination of the following purposes: [Ord. 129]

A. Retail store or personal service shop.

B. Restaurant providing indoor seating and service. Outdoor seating may be provided by temporary permit, if secondary to the primary indoor service.

C. Bank or other financial services.

D. Wholesale sales available to the general public and discount sales establishments.

E. Commercial printing retail outlets, laundry and dry cleaning retail operations, except such uses are not permitted within the Ground Water Protection District. [Ord. 152]

F. Business offices, studios, radio stations, public service and information offices, medical and dental offices.

G. Hotel/Business conference center, motel or inn.

H. Municipal facilities, County, State or Federal administrative or public information service uses.

I. Recreational use.

J. Pet shop or animal grooming, provided all animals are housed within the building.

K. Agricultural uses, excluding intensive agriculture.

L. High density residential uses.

M. Institutional and religious uses.

N. Limited winery, where the primary agricultural use is viticulture, and subject to the area and bulk and design standards stated in §27-303.1 (relating to extensive agriculture), and after obtaining all necessary health, fire safety and building permits and/or licenses (where applicable). A limited winery may engage in the following activities:

(1) Wine tasting.

(2) Winery tours.

(3) Wholesale and retail sales of wine and grape products.

(4) Picnic area(s) for winery related activities.

(5) Food preparation facility for catering on premises indoor or outdoor functions.

(6) Agricultural-related museums.

(7) Gift display for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods and/or art galleries with sales and framing, not to exceed a total of 500 square feet in interior footprint area.

(8) Outdoor amplified music until 9 p.m.

(9) Winery-related events or activities subject to the following limitations:

(a) Events or activities involving fewer than 60 persons on the property at a time may be conducted at any time.

(b) Events or activities involving more than 60 persons and not more than 125 persons on the property at a time may be conducted on no more than 3 days in a single week.

(c) Events or activities involving more than 125 persons and not more than 350 persons on the property at a time may be conducted on no more than 12 days in a calendar year and on no more than 4 days in a single calendar month.

(d) Events or activities which exceed any of the limits set forth in subclauses (a) through (c) above shall be allowed, provided that a zoning permit application is filed and approved in accordance with §27-2308.1. In lieu of the requirements in §27-2308.2 (applicable to residential districts) and §27-2308.3 (applicable to commercial, industrial, special use, and flood hazard districts) any zoning permit application required by this subsection shall include a written description of the event that includes, but is not limited to, the number of people, the hours of the event, activities, entertainment and lighting. The applicant must be able to demonstrate to the Zoning Officer compliance with the following:

1) Sanitary sewage facilities will be sufficient to accommodate the number of attendees and participants at the event.

2) Parking facilities will be sufficient to accommodate the number of attendees and participants at the event.

3) Adequate traffic control measures will be provided.

4) Adequate plan of trash collection, removal and recycling, including the removal of all trash and signs from public rights of way, property of others and the subject tract.

(10) Bed and breakfast establishment, as defined in §27-202.

[Ord. 135]

2. Any use permitted as of right in subsection .1 that meets any of the following characteristics shall only be permitted by conditional use approved by the Board of Supervisors subject to Part 23 and shall not be permitted in the Ground Water Protection District. The regulations and standards of this Section shall be the minimum requirements controlling such uses, unless otherwise indicated. The following characteristics shall automatically require conditional use approval.

A. Lot sizes larger than 10 acres.

B. Shopping centers or malls of any size.

C. Heights in excess of 35 feet or three stories.

D. High density residential housing subject to all regulations of Part 9 (HR District) and further conditions imposed by the conditional use process.

[Ord. 152]

3. A building may be erected and a lot used for any one or more of the following purposes when authorized as a special exception by the Zoning Hearing Board subject to Part 22, "Zoning Hearing Board," of this Chapter. The regulations and standards of this Section shall be the minimum requirements controlling such uses, unless otherwise indicated.

A. Outdoor miniature golf courses and golf driving ranges.

(Ord. 74, 3/30/1995, §1001; as amended by Ord. 129, 10/12/2006, §1; by Ord. 135, -/-/2007, §8; and by Ord. 152, 11/10/2008, §§18, 19)

§27-1103. Area and Bulk Regulations.

The following regulations shall apply to all the uses permitted in the Commercial Interchange District:

- A. Lot size (minimum) 1 acre
- B. Building coverage (maximum) 25 percent
- C. Total impervious coverage (maximum) 60 percent
- D. Floor area ratio (maximum) .50
- E. Open space and green areas (minimum) 40 percent
- F. Lot width at street line (minimum) 100 feet
- G. Building setback, front (minimum) 20 feet
- H. Building setback, side (minimum) 20 feet

- | | | |
|----|---|----------------------|
| I. | Building setback, rear (minimum) | 20 feet |
| J. | Building height (maximum of)
whichever is less | 35 feet or 3 stories |

(*Ord. 74, 3/30/1995, §1002; as amended by Ord. 129, 10/12/2006, §2*)

§27-1104. Design Standards.

1. All applicable standards provided in Part 19, "Signs," Part 20, "Access, Parking and Circulation," and Part 18, "General Design and Performance Standards."

2. All uses in this district shall be subject to the requirement that connection is made to public water supply and public sewage system. [*Ord. 163*]

3. The applicant shall demonstrate full compliance with the following ordinances, as well as all other ordinances related to the construction of buildings and the specified uses included therein:

A. Subdivision and Land Development Ordinance [Chapter 22].

B. Stormwater, Sedimentation and Erosion Control Ordinance [Chapter 20].

C. Part 9, Groundwater Protection District, of this Chapter.

4. All activities relating to the public or patrons of the establishment shall be contained indoors (within the building envelope) unless expressly permitted in this Chapter. However, outdoor activities may be permitted upon the obtaining of a temporary use permit as provided under §27-2308.6 of this Chapter.

(*Ord. 74, 3/30/1995, §1003; as amended by Ord. 163, 12/1/2010, §35*)

§27-1105. Ownership.

Condominium or similar type ownership of buildings is encouraged in order to provide for the smaller business. A condominium group must conform to all area and bulk regulations above, however, a zero lot line (party wall) is permitted between units of the building. In addition, all other applicable Township regulations will apply.

(*Ord. 74, 3/30/1995, §1004*)

Part 7**Residential, Medium District (RM)****§27-701. Purpose and Development Options.**

1. *Purpose.* It is the purpose of this District to provide for moderate density residential uses that are readily accessible to major highways and services. Additionally, it is intended to allow the use of TDRs to protect constrained lands, preserve agricultural uses and conserve natural and cultural resources within other areas of the Township by accommodating growth in mixed-use village developments. Densities above one dwelling unit per acre are conditioned upon public sewage system and public water supply being provided. [Ord. 163]

2. *Residential Development Options.* In order to achieve these purposes, this Part provides for design flexibility in new residential subdivisions by allowing the following residential design options in the RM District. Section 27-702 lists the permitted uses within each type of development and §27-703 provides density, open space and dimensional requirements. Section 27-703 lists design standards for conditional uses.

A. Cluster subdivision providing for moderate density development of single-family detached, semi-detached and attached residential uses at a maximum base density of two dwelling units per acre of net tract area. This by-right option requires 40 percent or more open space.

B. Conventional subdivision allowing single-family detached dwellings on lots of a minimum ½ acre with no open space required this by-right option is only permitted for developments containing seven or fewer lots or dwelling units.

C. Mixed-use village development allowing for higher density development at a maximum density of four dwelling units per acre of net tract area with 30 percent open space designed according to guidelines to ensure that the resulting form incorporates the design principles of traditional neighborhood design. Small-scale commercial uses may also be permitted within a storefront area in the mixed-use village development option. This higher density option is available by conditional use in conjunction with the use of TDRs as provided for in Part 5, "Transferable Development Rights."

3. *Nonresidential Development Options.* This Part also provides for the following nonresidential development options, in accordance with the standards herein:

A. Extensive agriculture, subject to the provisions of §27-303.1.

B. Municipal use.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §3; and by Ord. 163, 12/1/2010, §22)

§27-702. Uses.

1. *Uses By-Right.* Within the RM District, a building may be erected, altered or used and land itself may be used by-right for any one of the following uses and no other:

A. *Cluster Subdivision.* Cluster subdivision shall be permitted by-right contingent upon the requirements of Part 28, "Open Space Provisions," the design

standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]; and, provided that the requirements of this Part are met. The following uses shall be permitted within this option:

- (1) Single-family detached dwelling units.
- (2) Single-family semi-detached dwelling units (twins).
- (3) Single-family attached dwelling units (townhouses).
- (4) Open space, said uses complying with §27-2703, "Open Space Provisions; Use Regulations."
- (5) The following accessory uses shall be permitted:
 - (a) Any normal and incidental accessory use to the principal residential uses.
 - (b) Level 1 home occupations in single-family detached dwellings.

B. *Conventional Subdivision*. Conventional subdivision shall be permitted by-right for seven or fewer lots or dwelling units. The following uses shall be permitted within this option:

- (1) Single-family detached dwellings.
- (2) Extensive agriculture, subject to the provisions of §27-303.1.
- (3) Municipal use.
- (4) The following accessory uses shall be permitted:
 - (a) Any normal and incidental accessory use to the principal residential uses.
 - (b) Level 1 home occupations in single-family detached dwellings.

C. Extensive agriculture, subject to the provisions of §27-303.1.

D. Municipal use.

E. Within the RM District, a building may be erected, altered or used and land itself may be used in conjunction with the use of TDRs for any one of the following uses and no other:

(1) *Mixed-Use Village Development*. Mixed-use village development shall be permitted in conjunction with the use of TDRs as provided for in Part 5, "Transferable Development Rights," for developments of 25 or fewer dwelling units. In addition, approval shall be contingent upon compliance with the requirements of Part 27, "Open Space Provisions"; the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]; the design standards for mixed-use village development in §27-703 of this Part; and the conditions of this Part. The following uses shall be permitted within this option:

- (a) Single-family detached dwellings.
- (b) Single-family semi-detached dwellings (twins).
- (c) Single-family attached dwellings (townhouses).
- (d) Open space, said uses complying with §27-2703, "Open Space Provisions; Use Regulations."
- (e) The following accessory uses shall be permitted:

- 1) Any normal and incidental accessory use to the principal residential uses.

- 2) Level 1 home occupations in single-family detached dwellings.

F. Limited winery, where the primary agricultural use is viticulture, and subject to the area and bulk and design standards stated in §27-303.1 (relating to extensive agriculture), and after obtaining all necessary health, fire safety and building permits and/or licenses (where applicable). A limited winery may engage in the following activities:

- (1) Wine tasting.

- (2) Winery tours.

- (3) Wholesale and retail sales of wine and grape products.

- (4) Picnic area(s) for winery related activities.

- (5) Food preparation facility for catering on premises indoor or outdoor functions.

- (6) Agricultural-related museums.

- (7) Gift display for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods and/or art galleries with sales and framing, not to exceed a total of 500 square feet in interior footprint area.

- (8) Outdoor amplified music until 9 p.m.

- (9) Winery-related events or activities subject to the following limitations:

- (a) events or activities involving fewer than 60 persons on the property at a time may be conducted at any time.

- (b) Events or activities involving more than 60 persons and not more than 125 persons on the property at a time may be conducted on no more than 3 days in a single week.

- (c) Events or activities involving more than 125 persons and not more than 350 persons on the property at a time may be conducted on no more than 12 days in a calendar year and on no more than 4 days in a single calendar month.

- (d) Events or activities which exceed any of the limits set forth in subclauses (a) through (c) above shall be allowed, provided that a zoning permit application is filed and approved in accordance with §27-2308.1. In lieu of the requirements in §27-2308.2 (applicable to residential districts) and §27-2308.3 (applicable to commercial, industrial, special use, and flood hazard districts) any zoning permit application required by this subclause shall include a written description of the event that includes, but is not limited to, the number of people, the hours of the event, activities, entertainment and lighting. The applicant must be able to demonstrate to the Zoning Officer compliance with the following:

- 1) Sanitary sewage facilities will be sufficient to accommodate the number of attendees and participants at the event.

- 2) Parking facilities will be sufficient to accommodate the number of attendees and participants at the event.

3) Adequate traffic control measures will be provided.

4) Adequate plan of trash collection, removal and recycling, including the removal of all trash and signs from public rights of way, property of others and the subject tract.

(10) Bed and breakfast establishment, as defined in §27-202.

[Ord. 135]

2. *Conditional Uses.* Within the RM District, a building may be erected, altered or used and land itself may be used by conditional use and in conjunction with the use of TDRs for any one of the following uses and no other:

A. *Mixed-Use Village Development.*

Mixed-use village development shall be permitted by conditional use in conjunction with the use of TDRs as provided for in Part 5, "Transferable Development Rights," for developments of 26 or more dwelling units, or for any development containing a storefront area(s). In addition, approval shall be contingent upon compliance with the requirements of Part 27, "Open Space Provisions"; the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]; the design standards for mixed-use village development in §27-703 of this Part; and the conditions of this Part. The following uses shall be permitted within this option:

(1) Single-family detached dwellings.

(2) Single-family semi-detached dwellings (twins).

(3) Single-family attached dwellings (townhouses).

(4) Open space, said uses complying with §27-2703, "Open Space Provisions; Use Regulations."

(5) Where a storefront area is provided in accordance with §§27-703 and 27-704, the following nonresidential and mixed uses (commercial residential) shall be permitted:

(a) *Retail Uses, Professional Office and Personal Services.* Retail uses specifically excluded from the mixed-use village development option shall include flea markets, indoor/outdoor amusement businesses, automotive sales, car washes, gasoline stations, building supply stores, adult commercial and mini-storage facility.

(b) Bed and breakfast establishments, subject to the provisions of Part 2.

(c) Day care centers.

(d) Second-story residential uses above retail or office uses.

(e) Artisan living/working uses.

(f) The following accessory uses shall be permitted:

1) Any normal and incidental accessory use to the principal residential uses.

2) Level 1 home occupations in single-family detached dwellings.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §3, and by Ord. 135, --/2007, §5)

§27-703. Density, Open Space and Dimensional Standards.

1. *Cluster Subdivision.*

A. *Maximum Density.* The applicant shall submit the following calculations to compute the maximum permitted density (dwelling units per tract):

(1) State constrained lands and net tract area as set forth in §27-1836 of this Chapter:

Contained Lands = _____ (per §27-1836 of this Chapter)

Net Tract Area = _____ (per §27-1836 of this Chapter)

(2) Calculate maximum permitted density, in dwelling units, by multiplying the net tract area by two dwelling units per acre, the base density factor of the RM District.

Formula: Maximum permitted density = net tract area x two dwelling units per acre = _____ dwelling units.

B. *Minimum Required Open Space.* The applicant shall submit the following calculations to compute the minimum required open space:

(1) Multiply net tract area from subsection .1.A(1) by .40, representing 40 percent open space, and add the constrained land from subsection .1.A(1) = _____ acres.

Formula: Minimum required open space = (Net Tract Area x .40) + constrained land = _____.

C. *Area and Bulk Regulations for Residential Uses.* The following standards shall apply to all residential uses:

	Area and Bulk Standards For residential uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached
(1)	Lot area (min) With accessory dwelling unit	5,000 sf 8,000 sf	2,500 sf n/a	2,500 sf n/a
(2)	Total impervious coverage (max)	55 percent	65 percent	65 percent
(3)	Lot width at street line (min)	20 feet	20 feet	20 feet
(4)	Lot width at building line (min)	40 feet	25 feet	20 feet
(5)	Principal dwelling setbacks:			
	front yard	15 feet (min)	15 feet (min)	15 feet (min)
	front yard w/front loading garage	15 feet (max)	15 feet (max)	15 feet (max)
	rear yard	35 feet (min)	35 feet (min)	35 feet (min)
	side yard	None	None	None
	side to side building separation*	20 feet (min)	20 feet (min) for Structure	20 feet (min) for Structure
(6)	Building setbacks from perimeter property lines (min)	55 feet	55 feet	55 feet

	Area and Bulk Standards For residential uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached
(7)	Garage and accessory building Setbacks: Front loading garages Alley access garages	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)
(8)	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories
(9)	A maximum of 15 percent of the dwelling units may front directly onto a green, provided that an access easement is provided to the satisfaction of the Township Board of Supervisors.			
(10)	Compliance with the following shall be achieved: (a) in the absence of public sewer and water the Rural Residential District area and bulk regulations shall apply; and, (b) for extensive agricultural uses the provisions of §27-302.1, Agricultural Preservation Residential District area and bulk regulations shall apply.			
(11)	Single-family attached units shall comply with the standards in §27-704.2.A(2).			

* Does not apply to common party wall.

2. *Conventional Subdivision.*

A. *Area and Bulk Regulations for Residential Uses.* The following standards shall apply to all residential uses:

	Area and Bulk Standards for Residential Uses	Single-Family Detached
(1)	Density (max)	2 dwelling units per net acre
(2)	Net lot area (min)	21,780 square feet
(3)	Total impervious coverage (max)	25 percent
(4)	Lot width at street line	20 feet
(5)	Lot width at building line	60 feet
(6)	Yard setbacks: Front Side Rear	25 feet (min) 15 feet each (min) 30 feet (min)
(7)	Building height	35 feet, or 3 stories, whichever is less
(8)	In the absence of public sewage system and public water supply, this development option shall comply with the RR area and bulk standards in §27-603 of this Chapter. [Ord. 163]	

3. For extensive agricultural uses, the Agricultural Preservation Residential District area and bulk regulations in §27-303.1 of this Chapter shall apply.

4. *Mixed-Use Village Development.*

A. *Mix of Residential Uses.* Mixed-use village developments shall consist of at least two dwelling types, except that village developments containing fewer than 60 dwelling units may consist of 100 percent single-family detached units.

B. *Maximum Residential Density.* The applicant shall submit the following calculations to compute the maximum permitted density (dwelling units per tract):

(1) State constrained lands and net tract area as set forth in §27-1836 of this Chapter:

Constrained Lands = _____ (per §27-1836 of this Chapter)

Net Tract Area = _____ (per §27-1836 of this Chapter)

(2) Calculate maximum permitted density, in dwelling units, by multiplying the net tract area by four dwelling units per acre, the TDR density factor of the RM District, when developed in conjunction with Part 5, "Transferable Development Rights."

Formula: Maximum permitted density = net tract area x 4 dwelling units per acre = _____ dwelling units.

C. *Maximum Nonresidential Density.* Mixed-use village development may contain nonresidential uses in a storefront area. Nonresidential and mixed-use buildings, including parking, shall be limited to 6 percent of the net tract area or 3 acres, whichever is less. This limit may be increased as follows:

(1) Nonresidential and mixed-use building coverage and their associated parking and service areas may occupy up to 12 percent of the net tract area, or 6 acres, whichever is less, if they include second-story residential units above at least 10 percent of the nonresidential building coverage. Said upper-story dwelling units shall be in addition to the base residential density otherwise permitted, provided the total number of dwelling units shall not be increased by more than 10 dwelling units, or 10 percent, whichever is greater.

(2) Nonresidential and mixed-use building coverage and their associated parking areas may occupy up to 18 percent of the net tract area, or 9 acres, whichever is less, if they include second-story residential units, provided that at least half of the new nonresidential building coverage is two stories, and at least 25 percent of the second-story space is designed for residential uses.

(3) The maximum gross leaseable floor area for each nonresidential leasehold shall be 2,400 square feet or less in one-and-one-half-story buildings, and up to 4,800 square feet in buildings of two or more stories.

D. *Minimum Required Open Space.* The applicant shall submit the following calculations to compute the minimum required open space:

(1) Multiply net tract area from §27-702.4.B(a) by .30, representing 30 percent open space, and add the constrained land from §27-702.4. B(a) = _____ acres.

Formula: Minimum required open space = (net tract area x .30) + constrained land = _____.

(2) At least 15 percent of the minimum required open space shall consist of formal open space as set forth in §27-704.3.

5. *Area and Bulk Regulations for Residential Uses.* The following standards shall

apply to all residential uses:

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached
A.	Lot area (min) With accessory dwelling unit	4,000 sf 8,000 sf	2,500 sf n/a	2,500 sf n/a
B.	Total impervious coverage (max)	55 percent	65 percent	65 percent
C.	Lot width at street line (min)	20 feet	20 feet	20 feet
D.	Lot width at building line (min)	40 feet	25 feet	20 feet
E.	Principal dwelling setbacks:			
	front yard	15 feet (min)	15 feet (min)	15 feet (min)
	front yard w/front loading garage	15 feet (max)	15 feet (max)	15 feet (max)
	rear yard	35 feet (min)	35 feet (min)	35 feet (min)
	side yard	None	None	None
	side to side building separation*	20 feet (min)	20 feet (min) for Structure	20 feet (min) for Structure
F.	Building setbacks from perimeter property lines (min)	55 feet	55 feet	55 feet
G.	Garage and accessory building Setbacks:			
	Front loading garages	35 feet (min)	35 feet (min)	35 feet (min)
	Alley access garages	13 feet from alley center line (min)	13 feet from alley center line (min)	13 feet from alley center line (min)
H.	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories
I.	In the absence of public sewage system and public water supply, this development option shall not be permitted. [Ord. 163]			
J.	Mixed-use village development shall comply with the design standards in §27-703.			

* Does not apply to common party wall.

6. *Area and Bulk Regulations for Nonresidential and Mixed-Uses (Commercial/Residential) in the Storefront Area.*

A. Such storefront area shall be determined by adding 20 percent to the land area needed for the structures, on-lot parking, ingress/egress, service areas and any required on-site infrastructure (stormwater management areas).

B. The additional 20 percent land area shall constitute formal open space, setbacks and landscaped areas.

C. The storefront area shall be exclusive of the 100-year floodplain, wetlands and slopes over 25 percent.

D. *Nonresidential Building Setbacks.*

- (1) Front—maximum 15-foot setback.
- (2) Rear—20-foot minimum.
- (3) Side—5-foot minimum.

(*Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §3; and by Ord. 163, 12/1/2010, §§23, 24*)

§27-704. Design Standards for Mixed-Use Village Development.

1. *General Design Standards for Mixed-Use Village Development.*

A. *Block Design.*

(1) Mixed-use village developments shall be designed in a generally rectilinear pattern of blocks and interconnecting streets and rear lanes, defined by buildings, landscaping, pedestrian ways, sidewalks and street furniture. To avoid the monotony of a rigid grid layout and to better conform to the natural terrain, streets may include frequent gentle curves.

(2) The maximum length of a block shall be 500 feet. This length may be extended up to 800 feet when mid-block footpaths are provided.

(3) Rectilinear blocks of the dimensions required above may be reshaped at the discretion of Board of Supervisors when topography, existing vegetation, or hydrology considerations influence block shape and size.

(4) In the storefront area, at least one pedestrian pathway; a minimum of 8 feet wide, shall be provided for every 250 feet of street frontage. Said pedestrian pathways shall connect store entrances to the rear parking lots.

(5) Each block that includes storefronts and/or single-family attached (townhouse) lots less than 40 feet wide shall be designed it include a rear alley serving parking areas or garages in the rear. Residential streets shall be configured using a design speed of 25 mph. Traffic calming techniques shall include “T” intersections, traffic islands, circles, loops or crescents, roundabouts, three-way and four-way stop signs.

B. *Use Transitions.*

(1) Similar land uses shall face one another across a street, while dissimilar land uses shall abut along alleys or rear parking areas.

(2) Where feasible, a village green shall be used to separate residential blocks from mixed-use blocks.

2. *Design Standards for Residential Uses.*

A. *Architecture.*

(1) Single-family detached and semi-detached dwellings shall be designed so that:

(a) At least two-thirds shall be oriented with their gable ends facing the street.

(b) At least 35 percent shall have a covered front entry porch, raised a minimum of 18 inches above ground level.

(2) Single-family attached dwelling shall be designed so that:

(a) Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that porches may be attached sheds with slopes no less than 2:12.

(b) Flat roofs, if provided, shall be enclosed by parapets a minimum of 42 inches high to conceal mechanical equipment.

(c) Parking is encouraged to be located at the rear of the building. As an alternative, recessed front-loading garages may be provided.

(d) The first floor elevation shall be raised a minimum of 18 inches above ground level and a stoop or porch shall be provided at the front door.

(3) *Roof Pitch.* Pitched roofs with slopes between 8:12 and 12:12 shall be encouraged.

(4) *Accessory Dwelling Units.* The design of accessory dwelling units shall comply with the following regulations:

(a) Exterior fire escapes are prohibited on any side of accessory dwelling units except at the rear.

(b) All off-street parking for accessory dwelling units shall be located to the side or rear and shall be visually screened from adjoining properties.

(5) *Access to Houselots.* New houselots shall be accessed from interior streets, rather than from roads bordering the tract.

3. *Design Standards for Open Space.*

A. *General.*

(1) Open space shall be delineated in accordance with the standards in §22-617 of the Subdivision and Land Development Ordinance [Chapter 22], setting forth the four-step design process, and in accordance with §27-2703 of this Chapter.

(2) Open space shall consist of two types: natural and formal.

(a) Natural open space consists of, but is not limited to: meadows, woodlands, large specimen trees, hedgerows, wetlands, floodplain, stormwater management areas and steep slopes.

(b) Formal open space consists of greens, commons, squares and parks that are defined by building walls, streets and street trees.

B. *Formal Open Space: Greens, Commons Squares and Parks.*

(1) Greens, commons, squares, and parks shall serve a variety of outdoor leisure and assembly needs of village residents and enhance the form and appearance of the mixed-use village development.

(2) Greens, commons, squares and parks shall be distributed throughout the village in the residential neighborhood and, when included, the storefront area.

(3) When a storefront area is proposed, a main village green shall be required, which shall be:

(a) Located within 200 feet of the outer perimeter of the storefront area. These locational requirements may be adjusted by reason of topography or natural resources to be preserved, at the discretion of the

Board of Supervisors.

(b) Of pedestrian scale, approximately ½ to 1 acre in area, and shall be no longer or wider than 300 feet. The views of greens, commons and squares shall be maximized by locating open space in “terminal vista” locations as often as possible, such as the ends of streets at three-way intersections, and/or along the outer edges of curving streets.

4. *Design Standards for Nonresidential and Mixed-Use Development in the Storefront Area.*

A. *Design Considerations along an Existing Major Arterial Street.* When the storefront area is located along an existing major arterial street the following provisions shall apply:

(1) The buildings shall be designed with display windows and signage facing the major arterial street.

(2) Canopy trees shall be planted at intervals not greater than 40 feet along the major arterial street.

(3) The storefront area shall not parallel the major arterial street for a distance greater than 600 feet, unless the storefronts are located behind a landscaped buffer area providing visual screening in all seasons of the year, or on the opposite side of a village green extending the full length of the storefront area as it parallels the major arterial street. If berms are used within the buffer they shall be no taller than two feet and shall taper gradually into the landscape with slopes not exceeding 1:5.

B. *Massing.* To harmonize with the traditional architectural scale of commercial buildings in historic villages, the massing of larger commercial buildings shall be de-emphasized using, but not limited to, one of the following methods:

(1) The use of projecting and recessed sections, to reduce their apparent overall bulk. Facade breaks shall be at least 3 feet in depth. Such breaks in facades and roof lines shall occur not more frequently than 50 feet, the width of two historic shop fronts.

(2) New commercial buildings with more than 1,500 square feet of floor space (above grade) shall be at least 1.5 stories in height.

(3) Storefront buildings fronting on the same street and located on the same block shall be attached, or located not more than 15 feet apart, except when separated by a “pocket park” or a common, green or square.

(4) Storefront buildings shall have at least 60 percent of their front facade coincident with their street frontage, including frontage onto courtyards.

C. *Architectural Style and Detail.*

(1) Buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade or other architectural feature.

(2) The use of special architectural elements such as, but not limited to, towers, turrets and corner cut-offs, is encouraged at major street corners to accent structures and provide visual interest. These elements shall be in scale with the overall structure.

(3) *Main Entrances.*

(a) As one of the most important parts of the facade, the main entrance shall be easily identifiable. Doors and entryways shall follow a traditional storefront design (usually recessed) and shall be compatible with the architectural style of the structure.

(b) Main entrances shall be from the front sidewalk, except in courtyard designs. Secondary entrances may open to a rear parking lot.

(c) When a building is located on a corner, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy or other similar building feature.

(4) *Rear Entrances and Facades.* When rear parking is provided, rear entrances and facades should be appropriately detailed to provide an attractive appearance, but should not be overly embellished to compete with the main storefront.

(a) The following requirements shall be met:

1) Adequate lighting shall be provided for security, pedestrian safety and decorative purposes.

2) Trash and service areas, utility lines, mechanical equipment and meter boxes shall be appropriately screened from customer entrances.

(5) *Windows.*

(a) The front elevation of commercial and office buildings shall provide a minimum of 60 percent and a maximum of 85 percent transparency (windows) at ground level.

(b) Buildings shall include large front windows on the ground level, with sills between 12 and 18 inches above sidewalk level and lintels 9 feet to 12 feet above sidewalk level.

(c) Clear glass (providing a minimum of 88 percent light transmission) shall be used on ground floor windows. Tinted glass providing a minimum of 50 percent light transmission shall be limited for use only in transoms and windows above the ground floor. The use of bronze-tinted or reflective glass is prohibited.

(d) The use of transom windows is strongly encouraged.

(e) If aluminum window frames are used they shall be either factory coated or anodized a dark color. Bare aluminum or gold color window frames are prohibited.

(f) If shutters are used, appropriate hardware (hinges, pulls, etc.) shall be used. Shutters shall be proportioned to cover one-half the width of the window.

(6) *Roofs.*

(a) Roofs shall be pitched with overhanging eaves; or flat with articulated parapets and cornices. Desired roof materials include slate (either natural or manmade), shingle (either wood or asphalt composition), and metal formed to resemble "standing seams."

D. *Signs*. In addition to the requirements in Part 19, signs shall conform to the following regulations:

(1) Signs shall not be freestanding and shall be affixed to a building facade, canopy, or arcade.

(2) The top of signs (except window signs) shall be located no higher than the sills of second-story windows.

(3) Signs shall be constructed of wood, metal or synthetic material, provided that the type face and logos have a dimensional rather than flat quality.

(4) Sign colors shall preferably be dark background colors with light-colored lettering.

(5) Signs may be illuminated from external light sources only. Flashing and moving lighting is prohibited.

(6) Moving signs and signs with moving elements are prohibited.

(7) External neon signs are prohibited. Non-flashing neon signs may be displayed inside windows provided they occupy no more than 15 percent of the glass area of the window in which they are displayed.

E. *Street Furniture*.

(1) At least one public trash receptacle shall be provided in each block on each side of the street.

(2) Public benches shall be provided at bus stops and at intervals no greater than 100 feet on each block; and in greens, commons, squares and parks at a rate of one bench per 5,000 square feet.

(3) At least one bicycle rack adjacent to the sidewalk shall be provided on each block, with a paved pad designed to accommodate it.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §3)

§27-705. Other Applicable Regulations.

The following standards, shall apply to all permitted uses within this district:

A. A complete site analysis in accordance with the Subdivision and Land Development Ordinance [Chapter 22], and an environmental assessment report in accordance with §27-1831 with mitigation measures shall be required.

B. *Natural Features/Resource Protection*. Shall conform to the provisions of Parts 14, 15, 16 and 18 of this Chapter.

C. *Parking*. Shall conform to the provisions of Part 20 of this Chapter.

D. *Signs*. Shall conform to the provisions of Part 19 of this Chapter.

E. *Access and Circulation*. Shall conform to provisions of Part 20 of this Chapter.

F. *Landscaping*. Shall conform to provisions of §27-1806 of this Chapter.

G. *Screening*. Shall conform to provisions of §27-1806 of this Chapter.

H. *Single-Family Detached Uses*. Shall conform to Part 14, "Ground Water Protection," of this Chapter.

I. *Utilities*. All utility service shall be placed underground.

J. *Open Space*. Shall conform to Part 27, "Open Space Provisions," and the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §3)

Part 9**Residential, High District (RH)****§27-901. Purpose and Development Options.**

1. *Purpose.* It is the purpose of this District to provide for higher density residential uses that are readily accessible to major highways and services. Additionally, it is intended to allow the use of TDRs to protect constrained lands, preserve agricultural uses and conserve natural and cultural resources within other areas of the Township by accommodating growth in mixed-use village developments. Densities above one dwelling unit per acre are conditioned upon public sewage system and public water supply being provided. [Ord. 163]

2. *Residential Development Options.* In order to achieve these purposes, this Part provides for design flexibility in new residential subdivisions by allowing the following residential design options in the RH District. Section 27-902 lists the permitted uses within each type of development and §27-903 provides density, open space and dimensional requirements. Section 27-904 lists design standards for conditional uses.

A. Cluster subdivision providing for higher density development of single-family detached, semi-detached and attached residential uses at a maximum base density of four dwelling units per acre of net tract area. This by-right option requires 40 percent or more open space.

B. Conventional subdivision allowing single-family detached, semi-detached and attached dwellings with no open space required. This by-right option is only permitted for developments containing seven or fewer lots or dwelling units.

C. Mixed-use village development allowing for higher density development at a maximum density of eight dwelling units per acre of net tract area with 20 percent open space designed according to guidelines to ensure that the resulting form incorporates the design principles of traditional neighborhood design. Small-scale commercial uses may also be permitted within a storefront area in the mixed-use village development option. This high density option is available by conditional use in conjunction with the use of TDRs as provided for in Part 5, "Transferable Development Rights."

D. *Nonresidential Development Options.* This Part also provides for the following nonresidential development options, in accordance with the requirements herein:

- (1) Extensive agriculture, subject to the provisions of §27-303.1.
- (2) Municipal use.

E. Age qualified communities, as a by-right option, subject to the provisions of §27-903.4. [Ord. 147]

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §5; by Ord. 147, 7/17/2008, §II; and by Ord. 163, 12/1/2010, §30)

§27-902. Uses.

1. *Uses By-Right.* Within the RH District, a building may be erected, altered or

used and land itself may be used by right for any one of the following uses and no other:

A. *Cluster Subdivision*. Cluster subdivision shall be permitted by-right contingent upon the requirements of Part 27, "Open Space Provisions," the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22] and provided that the requirements of this Part are met. The following uses shall be permitted within this option:

(1) Any residential use including but not limited to single-family detached, single-family semi-detached, single-family attached, and apartment dwellings.

(2) One mobile home on an individual lot.

(3) Municipal uses.

(4) Extensive agriculture.

(5) Open space, said uses complying with §27-2703, "Open Space Provisions; Use Regulations."

(6) The following accessory uses shall be permitted:

(a) Any normal and incidental accessory use to the principal residential use.

(b) Level 1 home occupations in single-family detached dwellings.

B. *Conventional Subdivision*. Conventional subdivision shall be permitted by-right for seven or fewer lots or dwelling units. The following uses shall be permitted within this option:

(1) Single-family detached, semi-detached and attached dwellings.

(2) Extensive agriculture, subject to the provisions of §27-303.1.

(3) Municipal use.

(4) The following accessory uses shall be permitted:

(a) Any normal and incidental accessory use to the principal residential uses.

(b) Level 1 home occupations in single-family detached dwellings.

C. *Age Qualified Communities*. Age qualified communities shall be permitted by right, subject to the requirement that age qualified communities shall be comprised of only age qualified units and subject to compliance with the provisions of this Part. The following uses shall be permitted within this option:

(1) Single-family detached dwellings.

(2) Single-family semi-detached dwellings (twins).

(3) Single-family attached dwellings (townhouses).

(4) Apartment dwellings.

(5) The following accessory uses shall be permitted:

(a) Any normal and incidental accessory use to the principal residential use.

(b) Level I home occupations in single-family detached dwellings.

(c) Community facilities.

[Ord. 147]

D. Extensive agriculture, subject to the provisions of §27-303.1.

E. Municipal use.

F. Within the RH District, a building may be erected, altered or used and land itself may be used in conjunction with the use of TDRs for any one of the following uses and no other:

(1) *Mixed-Use Village Development*. Mixed-use village development shall be permitted in conjunction with the use of TDRs as provided for in Part 5, "Transferable Development Rights," for developments of 25 or fewer dwelling units. In addition, approval shall be contingent upon compliance with the requirements of Part 27, "Open Space Provisions"; the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]; the design standards for mixed-use village development in §27-704 of this Part, and the conditions of this Part. The following uses shall be permitted within this option:

(a) Single-family detached dwellings.

(b) Single-family semi-detached dwellings (twins). Single-family attached dwellings (townhouses).

(c) Open space, said uses complying with §27-2703, "Open Space Provisions; Use Regulations."

(d) The following accessory uses shall be permitted:

1) Any normal and incidental accessory use to the principal residential uses.

2) Level 1 home occupations in single-family detached dwellings.

G. Limited winery, where the primary agricultural use is viticulture, and subject to the area and bulk and design standards stated in §27-303.1 (relating to extensive agriculture), and after obtaining all necessary health, fire safety and building permits and/or licenses (where applicable). A limited winery may engage in the following activities:

(1) Wine tasting.

(2) Winery tours.

(3) Wholesale and retail sales of wine and grape products.

(4) Picnic area(s) for winery related activities.

(5) Food preparation facility for catering on premises indoor or outdoor functions.

(6) Agricultural-related museums.

(7) Gift display for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods and/or art galleries with sales and framing, not to exceed a total of 500 square feet in interior footprint area.

(8) Outdoor amplified music until 9 p.m.

(9) Winery-related events or activities subject to the following limitations:

(a) Events or activities involving fewer than 60 persons on the

property at a time may be conducted at any time.

(b) Events or activities involving more than 60 persons and not more than 125 persons on the property at a time may be conducted on no more than 3 days in a single week.

(c) Events or activities involving more than 125 persons and not more than 350 persons on the property at a time may be conducted on no more than 12 days in a calendar year and on no more than 4 days in a single calendar month.

(d) Events or activities which exceed any of the limits set forth in subclauses (a) through (c) above shall be allowed, provided that a zoning permit application is filed and approved in accordance with §27-2308.1. In lieu of the requirements in §27-2308.2 (applicable to residential districts) and §27-2308.3 (applicable to commercial, industrial, special use, and flood hazard districts) any zoning permit application required by this subsection shall include a written description of the event that includes, but is not limited to, the number of people, the hours of the event, activities, entertainment and lighting. The applicant must be able to demonstrate to the Zoning Officer compliance with the following:

1) Sanitary sewage facilities will be sufficient to accommodate the number of attendees and participants at the event.

2) Parking facilities will be sufficient to accommodate the number of attendees and participants at the event.

3) Adequate traffic control measures will be provided.

4) Adequate plan of trash collection, removal and recycling, including the removal of all trash and signs from public rights of way, property of others and the subject tract.

(10) Bed and breakfast establishment, as defined in §27-202.

[Ord. 135]

2. *Conditional Uses.* Within the RH District, a building may be erected, altered or used and hold itself may be used by conditional use and in conjunction with the use of TDRs for any one of the following uses and no other:

A. *Mixed-Use Village Development.* Mixed-use village development shall be permitted by conditional use in conjunction with the use of TDRs as provided for in Part 5, "Transferable Development Rights," for developments of 26 or more dwelling units, or for any development containing a storefront area(s). In addition, approval shall be contingent upon compliance with the requirements of Part 27, "Open Space Provisions"; the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]; the design standards for mixed-use village development in §27-704 of this Part; and the conditions of this Part. The following uses shall be permitted within this option:

(1) Single-family detached dwellings.

(2) Single-family semi-detached dwellings (twins).

(3) Single-family attached dwellings (townhouses).

(4) Open space, said uses complying with §27-2703, "Open Space

Provisions; Use Regulations.”

(5) Where a storefront area is provided in accordance with §§27-703 and 27-704, the following nonresidential and mixed uses (commercial/residential) shall be permitted:

(a) Retail uses, professional office and personal services. Retail uses specifically excluded from the mixed-use village development option shall include flea markets, indoor/outdoor amusement businesses, automotive sales, car washes, gasoline stations, building supply stores, adult commercial and mini-storage facility.

(b) Bed and breakfast establishments, subject to the provisions of Part 2.

(c) Day care centers.

(d) Second-story residential uses above retail or office uses.

(e) Artisan living/working uses.

(f) The following accessory uses shall be permitted:

1) Any normal and incidental accessory use to the principal residential uses.

2) Level 1 home occupations in single-family detached dwellings.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §5; by Ord. 135, --/2007, §7; and by Ord. 147, 7/17/2008, §§III, IV)

§27-903. Density, Open Space and Dimensional Standards.

1. Cluster Subdivision.

A. *Maximum Density.* The applicant shall submit the following calculations to compute the maximum permitted density (dwelling units per tract):

(1) State constrained lands and net tract area as set forth in §27-1836 of this Chapter:

Constrained Lands = _____ (per §27-1836 of this Chapter)

Net Tract Area = _____ (per §27-1836 of this Chapter)

(2) Calculate maximum permitted density, in dwelling units, by multiplying the net tract area by four dwelling units per acre, the base density factor of the RH District.

Formula: Maximum permitted density = Net tract area x four dwelling units per acre = _____ dwelling units.

B. *Minimum Required Open Space.* The applicant shall submit the following calculations to compute the minimum required open space:

(1) Multiply net tract area from subsection .1.A(1) by .40, representing 40 percent open space, and add the constrained land from subsection .1.A(1) = _____ acres.

Formula: Minimum required open space = (net tract area x .40) + constrained land = _____.

(2) At least 15 percent of the minimum required open space shall consist

of formal open space as set forth in §27-704.3.

C. *Area and Bulk Regulations for Residential Uses.* The following standards shall apply to all residential uses:

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached	Apartment Dwellings	Mobile Home
(1)	Lot area (min) With accessory dwelling unit	5,000 sf 8,000 sf	2,500 sf n/a	2,500 sf/dwelling n/a	1,250 sf/dwelling n/a	4,000 sf n/a
(2)	Total impervious coverage (max)	55 percent	65 percent	65 percent	65 percent	55 percent
(3)	Lot width at street line (min)	20 feet	20 feet	20 feet	80 feet	20 feet
(4)	Lot width at building line (min)	40 feet	25 feet	20 feet	80 feet	40 feet
(5)	Principal dwelling setbacks: front yard front yard with front loading garage rear yard side yard* side to side building separation*	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min)	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min) for structure	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min) for structure	15 feet (min) n/a 50 feet None 20 feet (min) for structure	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min)
(6)	Building setbacks from perimeter property lines (min)	55 feet	55 feet	55 feet	55 feet	55 feet
(7)	Garage and accessory building Setbacks: Front loading garages Alley access garages	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)	n/a 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)
(8)	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	15 feet
(9)	Single-family attached units shall comply with the standards in §27-704.2.A(2).					
(10)	A maximum of 15 percent of the dwelling units may front directly onto a green, provided that an access easement is provided to the satisfaction of the Township Board of Supervisors.					
(11)	Compliance with the following shall be achieved: a) in the absence of public sewage system and public water supply the Rural Residential District area and bulk regulations shall apply and b) for extensive agricultural uses the Agricultural Preservation Residential District area and bulk regulations shall apply. [Ord. 163]					

(12)	Single-family attached and apartment dwelling units may be permitted without individual lots, such as by conveyance by building footprint deed. Buildings without lots shall meet the building separation requirements in clause (5), and the requirements of clause (6), (7) and (8). In addition, the total minimum impervious coverage for units not provided with individual lots shall be limited to 65 percent of the gross land area devoted to such building as follows: (a) the gross land area used to satisfy this requirement shall be indicated on submitted plans and shall constitute a single contiguous land area including buildings, parking access and yard areas clearly associated with and in the immediate vicinity of the subject residential development; and, (b) the gross land area indicated on the plans shall not include any land area that is counted toward meeting minimum open space requirements, nor yard area requirements for any other dwelling units or other permitted uses.
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* Does not apply to common party wall.

2. *Conventional Subdivision.*

A. *Area and Bulk Regulations for Residential Uses.* The following standards shall apply to all residential uses:

	Area and Bulk Standards For Residential Uses	Single-Family detached	Single-Family Semi-detached	Single-Family Attached
(1)	Lot area (min)	10,000 sf	10,000 sf	5,000 sf/dwelling
(2)	Total impervious coverage (max)	40 percent	40 percent	50 percent
(3)	Lot width at street line (min)	20 feet	20 feet	20 feet
(4)	Lot width at building line (min)	40 feet	25 feet	40 feet
(5)	Principal dwelling setbacks: front yard front yard w/front loading garage rear yard side yard side to side building separation*	25 feet (min) 25 feet (max) 35 feet (min) None 20 feet (min)	25 feet (min) 25 feet (max) 35 feet (min) None 20 feet (min) for structure	25 feet (min) 25 feet (max) 35 feet (min) None 20 feet (min) for structure
(6)	Building setbacks from perimeter property lines (min)	55 feet	55 feet	55 feet
(7)	Garage and accessory building Setbacks: Front loading garages Alley access garages	45 feet (min) 13 feet from alley center line (min)	45 feet (min) 13 feet from alley center line (min)	45 feet (min) 13 feet from alley center line (min)
(8)	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories
(9)	In the absence of public sewage system and public water supply the Rural Residential District area and bulk regulations shall apply for each dwelling unit. [Ord. 163]			

	Area and Bulk Standards For Residential Uses	Single-Family detached	Single-Family Semi-detached	Single-Family Attached
(10)	For extensive agricultural uses the Agricultural Preservation Residential District area and bulk regulations in §27-303.1 shall apply.			
(11)	Single-family attached units shall comply with the standards in §27-704.2.A(2).			

3. For extensive agricultural uses the Agricultural Preservation Residential District area and bulk regulations in §27-303.1 of this Chapter shall apply.

4. *Mixed-Use Village Development.*

A. *Mix of Residential Uses.* Mixed-use village developments shall consist of at least two dwelling types, except that village developments containing fewer than 60 dwelling units may consist of 100 percent single-family detached units.

B. *Maximum Residential Density.* The applicant shall submit the following calculations to compute the maximum permitted density (dwelling units per tract):

(1) State constrained lands and net tract area as set forth in §27-1836 of this Chapter:

Constrained Lands = _____ (per §27-1836 of this Chapter)

Net Tract Area = _____ (per §27-1836 of this Chapter)

(2) Calculate maximum permitted density, in dwelling units, by multiplying the net tract area by eight dwelling units per acre, the TDR density factor of the RH District, when developed in conjunction with Part 5, "Transferable Development Rights."

Formula: Maximum permitted density = net tract area x eight dwelling units per acre = _____ dwelling units.

C. *Maximum Nonresidential Density.* Mixed-use village development may contain nonresidential uses in a storefront area. Nonresidential and mixed-use buildings, including parking, shall be limited to 6 percent of the net tract area or 3 acres, whichever is less. This limit may be increased as follows:

(1) Nonresidential and mixed-use building coverage and their associated parking and service areas may occupy up to 12 percent of the net tract area, or 6 acres, whichever is less, if they include second-story residential units above at least 10 percent of the nonresidential building coverage. Said upper-story dwelling units shall be in addition to the base residential density otherwise permitted; provided, the total number of dwelling units shall not be increased by more than 10 dwelling units, or 10 percent, whichever is greater.

(2) Nonresidential and mixed-use building coverage and their associated parking areas may occupy up to 18 percent of the adjusted tract area, or 9 acres, whichever is less, if they include second-story residential units, provided that at least half of the new nonresidential building coverage is two stories, and at least 25 percent of the second-story space is designed for residential uses.

(3) The maximum gross leaseable floor area for each nonresidential leasehold shall be 2,400 square feet or less in one-and-one-half-story buildings,

and up to 4,800 square feet in buildings of two or more stories.

D. *Minimum Required Open Space.* The applicant shall submit the following calculations to compute the minimum required open space:

(1) Multiply net tract area from subsection .1.A(1) by .20, representing 20 percent open space, and add the constrained land from subsection .1.A(1) = _____ acres.

Formula: Minimum required open space = (net tract area x .20) + constrained land = _____.

(2) At least 25 percent of the minimum required open space shall consist of formal open space as set forth in §27-704.3.

E. *Area and Bulk Regulations for Residential Uses.* The following standards shall apply to all residential uses:

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached	Apartment Dwellings
(1)	Lot area (min) With accessory dwelling unit	4,000 sf 8,000 sf	2,500 sf n/a	2,500 sf/dwelling n/a	1,250 sf/dwelling n/a
(2)	Total impervious coverage (max)	55 percent	65 percent	65 percent	65 percent
(3)	Lot width at street line (min)	20 feet	20 feet	20 feet	80 feet
(4)	Lot width at building line (min)	40 feet	25 feet	20 feet	80 feet
(5)	Principal dwelling setbacks: front yard front yard with front loading garage rear yard side yard side to side building separation*	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min)	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min) for structure	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min) for structure	15 feet (min) n/a 50 feet None 20 feet (min) for structure
(6)	Building setbacks from perimeter property lines (min)	55 feet	55 feet	55 feet	55 feet
(7)	Garage and accessory building setbacks: Front loading garages Alley access garages	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)	n/a 13 feet from alley center line (min)

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached	Apartment Dwellings
(8)	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories
(9)	Single-family attached and apartment dwelling units may be permitted without individual lots, such as by conveyance by building footprint deed. Buildings without lots shall meet the building separation requirements in clause (5), and the requirements of clause (6), (7) and (8). In addition, the total minimum impervious coverage for units not provided with individual lots shall be limited to 65 percent of the gross land area devoted to such building as follows: (a) the gross land area used to satisfy this requirement shall be indicated on submitted plans and shall constitute a single contiguous land area including buildings, parking access and yard areas clearly associated with and in the immediate vicinity of the subject residential development; and (b) the gross land area indicated on the plans shall not include any land area that is counted toward meeting minimum open space requirements, nor yard area requirements for any other dwelling units or other permitted uses.				
(10)	In the absence of public sewage system and public water supply this development option shall not be permitted. [Ord. 163]				
(11)	Mixed-use village development shall comply with the design standards in §§27-704 and 27-904 of this Chapter.				

* Does not apply to common party wall.

F. *Area and Bulk Regulations for Nonresidential and Mixed-uses (Commercial/ Residential) in the Storefront Area.*

(1) Such storefront area shall be determined by adding 20 percent to the land area needed for the structures, on-lot parking, ingress/egress, service areas and any required on-site infrastructure (stormwater management areas).

(2) The additional 20 percent land area shall constitute formal open space, setbacks and landscaped areas.

(3) The storefront area shall be exclusive of the 100-year floodplain, wetlands and slopes over 25 percent.

(4) *Nonresidential Building Setbacks.*

(a) Front—maximum 15-foot setback.

(b) Rear—20-foot minimum.

(c) Side—5-foot minimum.

5. *Age Qualified Communities.*

A. *Area and Bulk Regulations for Age Qualified Communities.* The following standards shall apply to all residential uses:

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached	Apartment Dwellings
(1)	Lot area (min)	5,500 sf	2,000 sf	2,000 sf	1,250 sf/dwelling
(2)	Total impervious coverage (max)	65 percent	85 percent	85 percent	85 percent

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached	Apartment Dwellings
(3)	Lot width at street line (min)	20 feet	20 feet	20 feet	80 feet
(4)	Lot width at building line (min)	40 feet	20 feet	20 feet	80 feet
(5)	Principal dwelling setbacks:				
	front yard	15 feet (min)	15 feet (min)	15 feet (min)	15 feet (min)
	front yard with front loading garage to house (excluding attached garage)	15 feet (min)	15 feet (min)	15 feet (min)	n/a
	to front loading attached garage	20 feet (min)	20 feet (min)	20 feet (min)	20 feet (min)
	rear yard	10 feet	10 feet	10 feet	10 feet
	side yard (side to side building separation does not apply to common party wall)	15 feet (min)	20 feet (min) for structure	20 feet (min) for structure	20 feet (min) for structure
(6)	Building setbacks from tract boundary (min)	20 feet	20 feet	20 feet	20 feet
(7)	Detached garage and accessory building setbacks:				
	Front loading garages	20 feet (min from street right-of-way)	20 feet (min from street right-of-way)	20 feet (min from street right-of-way)	n/a
	Alley access garages	13 feet from alley center line	13 feet from alley center line	13 feet from alley center line	13 feet from alley center line
(8)	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories
(9)	Open space—which may include regulated environmental areas, stormwater management facilities and community facilities	20 percent of gross tract area	20 percent of gross tract area	20 percent of gross tract area, however, single-family attached units without individual lots shall be subject to subsection j below	subject to subsection j below

(10) Single-family attached and apartment dwelling units may be permitted without individual lots, such as by conveyance by building footprint deed. Buildings without lots shall meet the building separation requirements

in (5) and the requirements of (6), (7) and (8). In addition, the total maximum impervious coverage for units not provided with individual lots shall be limited to 85 percent of the gross land area devoted to such building as follows:

(a) The gross land area used to satisfy this requirement shall be indicated on submitted plans and shall constitute a single contiguous land area including buildings, parking, access, and yard areas clearly associated with and in the immediate vicinity of the subject residential development.

(b) The gross land area indicated on the plans shall not include any land area that is counted toward meeting minimum open space requirements, nor yard area requirements for any other dwelling units or other permitted uses.

(11) In the absence of public or community sewer and water, age qualified communities shall not be permitted.

(12) Notwithstanding §27-905.J of this Part, the open space standards set forth in Part 27, "Open Space Provisions," and the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22] shall not apply to the age qualified communities.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §5; by Ord. 147, 7/17/2008, §V; and by Ord. 163, 12/1/2010, §§31–33)

§27-904. Design Standards for Mixed-Use Village Development.

1. Mixed-use village development, as permitted in §27-902.2.A, above, shall conform to §27-704.

A. Roof Pitch.

(1) Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that porches may be attached sheds with slopes no less than 2:12.

(2) Flat roofs, if provided, shall be enclosed by parapets a minimum of 42 inches high to conceal mechanical equipment.

B. Design Standards for Apartment Buildings. Said buildings shall conform to the design considerations for the storefront area buildings in §27-704.4.A and .B of this Chapter.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §5)

§27-905. Other Applicable Regulations.

The following standards, shall apply to all permitted uses within this district:

A. A complete site analysis in accordance with the Subdivision and Land Development Ordinance [Chapter 22], and an environmental assessment report in accordance with §27-1831 with mitigation measures shall be required.

B. *Natural Features / Resource Protection.* Shall conform to the provisions of Parts 14, 15, 16 and 18 of this Chapter.

C. *Parking.* Shall conform to the provisions of Part 20 of this Chapter.

D. *Signs.* Shall conform to the provisions of Part 19 of this Chapter and to the Uniform Construction Code [Chapter 5, Part 1].

E. *Access and Circulation*. Shall conform to provisions of Part 20 of this Chapter.

F. *Landscaping*. Shall conform to provisions of Part 18, §27-1806, of this Chapter.

G. *Screening*. Shall conform to provisions of Part 18, §27-1806, of this Chapter.

H. *Single-Family Detached Uses*. Shall conform to Part 14, "Ground Water Protection," of this Chapter.

I. *Utilities*. All utility service shall be placed underground.

J. *Open Space*. Shall conform to Part 27, "Open Space Provisions," and the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §5)

Part 5**Transferable Development Rights****§27-501. Purpose and Intent.**

The primary purpose of this transferable development rights (TDR) program is to permanently preserve agricultural land, open land, sensitive natural areas and rural community character that would be lost if the land were developed. In addition, this Section is intended to protect property rights by allowing landowners whose land is intended for preservation to transfer their right to develop to other areas of the Township. It is the particular intention of this Section that the transfer of development rights shall be utilized to preserve and mitigate the impact of development on the following resources:

- A. Prime farmland or agricultural land; mature woodlands.
- B. Stream valleys with associated wetlands and floodplains.
- C. Historic, scenic and cultural resources.

(*Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2*)

§27-502. Concept and Authorization.

1. The provisions of this Part which permit the transfer of development rights, allow landowners in areas of London Grove Township proposed for preservation, called "sending areas," to sell the right to develop all, or a portion of, their land to landowners in areas of London Grove Township proposed for additional development, called "receiving areas." The transferable development rights provisions set forth below are specifically authorized under §§603(c)(2.2) and 619.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10603(c)(2.2), 10619.1, under the terms of which development rights are acknowledged to be severable and separately conveyable from a sending area to a receiving area.

2. When landowners in the sending area sell their right to develop all or a portion of their land, they must permanently restrict that portion of the land against any future development, although it may still be used for the purposes that do not involve development, such as agriculture or forestry. The permanent restriction on the land from which the development rights have been severed shall run in favor of the Township or a bona fide conservation organization approved by the Township. When landowners in the receiving area buy the development rights from landowners in the sending area they receive the right to build more homes on their land than they would have been allowed if they had not purchased development rights.

(*Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2*)

§27-503. Sending Area Qualifications and Computation of Development Rights.

Owners of tracts that meet the following requirements may sell their development rights:

- A. *Sending Area Qualifications.* A tract of land from which development

rights are to be sent shall be located within the Agricultural Preservation (AP) or Residential Rural (RR) zoning districts. This tract shall have a minimum land area of no less than 10 contiguous acres, gross and shall contain at least one of the following resources:

- (1) Prime farmland or agricultural land.
- (2) Mature woodlands.
- (3) Stream valleys with associated wetlands and floodplains.
- (4) Historic, scenic or cultural resources identified on the most recently adopted London Grove Township Open Space, Recreation and Environmental Resources Plan.

B. Calculation of Transferable Development Rights.

(1) *Net TDR Tract Area Calculation.* The net TDR tract area is the net tract area minus required area for existing dwellings in the sending area.

(a) Calculate net tract area, as set forth in §27-1836 and then subtract the following additional areas for each existing dwelling in the applicable zoning district:

- 1) In the AP District, 2 acres
- 2) In the RR District, 1 acre

Formula: net TDR tract area = net tract area minus applicable area from subparagraph (1)(a)1) or 2), above = _____ acres.

(2) *Number of Development Rights.* The number of transferable development rights to be assigned to an eligible tract of land shall be established by the following procedure:

(a) In order to promote and encourage the use of TDRs, a development right bonus shall be assigned to each sending area as provided in the table below. The TDR bonus plus the density set forth below equals the maximum number of development rights per net tract acre of sending area land.

District	Existing Cluster Development Density	TDR Bonus	Total Rights (DR**)/Acre
AP	0.1 DU/AC*	625 percent	0.625 DR/AC
RR	1.0 DU/AC (cluster)	25 percent	1.25 DR/AC

*AC equals one acre, net lot area
 **DR equals development right

[Ord. 134]

(b) The number of development rights shall be determined by multiplying the net TDR tract area, in acres, established in paragraph .B.1., above, by the total development rights/acre for the applicable zoning district.

Formula: development rights = net TDR tract area x total DR/acre development rights.

(c) Where the calculation of the total number of development rights

results in a fraction, said fraction shall be rounded down.

C. *Monitoring of Rights.*

(1) Within the sending area, all subdivision and land development applications received subsequent to the adoption of this Chapter shall include a notation of:

(a) The total number of development rights held.

(b) The number of rights remaining on each parcel after said subdivision and land development.

(2) The Township shall maintain an accurate record of development rights established and transferred for each tract of land within sending areas through an appropriate indexing system and map based on recorded plans. Such system shall key the information to the original tax parcels.

D. *Sending Area Restrictive Covenant.*

Except for retained development rights, if any, the tract of land within the sending area, or the sending tract, shall be permanently restricted from future development by a conservation easement or other restrictive covenant which meets the following requirements:

(1) Except where any retained development rights are specified, the restrictive covenant shall permanently restrict the land from future development of any non-agricultural uses, except for public park land, conservation areas, municipal facilities, utilities and other similar uses.

(2) The restrictive covenant shall be approved by the Board of Supervisors in consultation with the Township Solicitor. Final plan approval shall be contingent upon the recording of the restrictive covenant at the Chester County Recorder of Deeds.

(3) The restrictive covenant shall designate London Grove Township, and/or a bona fide conservation organization acceptable to the Township, as the beneficiary/grantee, but shall also designate both:

(a) All future owners of all or a portion of the sending parcel.

(b) All future owners of any portion of the receiving parcel as having separate and independent enforcement rights with respect to the restrictive covenants.

(4) The restrictive covenant shall specify the number of development rights to be transferred as well as any to be retained.

(5) No portion of the net TDR tract area used to calculate the number of development rights to be transferred shall be used to satisfy minimum yard setbacks or lot area requirements for any development rights, which are to be retained or for any other development.

(6) A conservation plan for the sending parcel(s) shall be recorded with and enforceable as part of the restrictive covenant. The conservation plan shall:

(a) Identify the natural and man-made resources of the site and adjacent sites.

(b) Follow the guidelines of the intent statement of this Chapter.

(c) Identify areas restricted as well as areas where any retained development rights may be utilized.

(d) Demonstrate a sustainable plan for the long-term management of the sending tract; giving consideration to the following:

1) The ownership, management and maintenance of the restricted areas.

2) The general character of anticipated development wherever development rights are retained, along with any specific design criteria which may be imposed to minimize and/or mitigate the impact of development on the natural and man-made resources of the site.

3) The conservation, land management and agricultural techniques and practices which will be used to conserve and perpetually protect the restricted areas, including conservation plan(s) approved by the Chester County Conservation District, where applicable.

4) The professional and personnel resources that will be necessary in order to maintain and manage the property.

5) The source of money that will be available to such management, preservation and maintenance on a perpetual basis.

6) The nature of public or private access that is planned for the restricted areas.

(7) Should London Grove Township acquire ownership of the sending areas, the land may be used for passive and active recreation coincidental with municipal uses that promote the purposes in §27-502.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2; and by Ord. 134, 3/29/2007, §8)

§27-504. Receiving Area Qualifications and Calculations.

Owners of tracts in the receiving area may use development rights purchased from sending area landowners in accordance with the following regulations:

A. *Receiving Area Qualifications.* Receiving area base densities may be increased through the use of TDRs in accordance with the provisions of this Section.

(1) The tract of land shall be no less than 3 acres, net tract area.

(2) The tract(s) shall be located within the following zoning districts as indicated on the Township Zoning Map:

(a) Residential, High (RH)

(b) Residential, Medium OW

(c) Residential, Mobile Homes (MB)

B. *Transfer of Rights.* Landowners in receiving areas have the right to build the following for each development right purchased, up to the maximum development capacity of the receiving area:

(1) *Maximum Development Capacity.* The maximum development capacity when the developer purchases additional rights in accordance with the provisions of this Part shall be as set forth in the applicable receiving area standards.

(2) *Residential Uses.*

Receiving Area District	Additional Dwelling Units, Beyond the Base Density of the Underlying Zoning District, for Each Development Right Purchased in Sending Area	
	AP	RR
Residential, Medium (RM)	10	1
Residential, Mobile Homes (MH)	10	1
Residential, High (RH)	20	2

[Ord. 134]

(3) *Nonresidential Uses.*

Receiving Area District	Square Feet of Floor Area for Each Development Right Purchased in Sending Area	
	AP	RR
Residential, Medium (RM)	1,000	500
Residential, Mobile Homes (MB)	1,000	500
Residential, High (RH)	1,000	500

C. *Applicable Area and Bulk Regulations.* Applicants using transferable development rights in any residential district are allowed reductions in area and bulk requirements as set forth in the applicable receiving area district ordinance provisions.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2; and by Ord. 134, 3/29/2007, §9)

§27-505. Plan Submittal Process.

Applicants shall submit a preliminary plan showing development with purchase of development rights; this plan shall meet the requirements of the London Grove Township Subdivision and Land Development Ordinance [Chapter 22]. Along with the preliminary plan, applicants shall submit:

A. An agreement of sale for all development rights proposed to be purchased from the sending area tract.

B. A note on the plan showing the total number of dwelling units or total square footage of nonresidential development proposed on the receiving area tract.

C. A note on the plan showing the total number of dwelling units or square footage of nonresidential floor area that could be built on the site when development rights are purchased, the number of homes that can be built under base density and the difference between the two. This difference represents the number of additional dwelling units or square footage of nonresidential floor area that could be constructed on the tract.

D. A plan of the sending area tract from which the applicant proposes to purchase development rights. This plan shall show all information needed to determine the number of development rights, which may be sold, as shown in §27-503.B. In addition, the plan shall be accompanied by a metes and bounds description of the property(s), as well as each property's parcel number, owner name, and street address. If the applicant is purchasing development rights from a portion of a sending area tract, this portion shall be shown on the plan and described with metes and bounds.

E. In order to receive final plan approval, the applicant must agree to record restrictive covenants for all sending area land whose development rights are being used by the applicant. These restrictive covenants must meet the requirements of §27-503.D, above. The restrictive covenant on the sending area land shall be recorded first, followed by a deed of transfer, in accordance with the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, which transfers the development rights from the sending area landowner to the receiving area landowner.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2)

§27-506. Transfer of less than Total Rights from a Tax Parcel.

The owner of a parcel(s) may transfer less than the total number of development rights established for said parcel; provided, that:

A. No residual parcel(s), except those from which development rights have been transferred, shall be created, unless in conformance with the applicable base zoning district lot size and dimensional requirements.

B. All subdivision plans shall include the residual number of development rights assigned to the unencumbered parcel in addition to required base zoning district lot size and dimensional requirements.

C. In determining which portions of a tract of land should be included in the restrictive covenant agreement, the landowner shall preserve the following resources, to the greatest degree possible:

- (1) Prime agricultural soils.
- (2) Lands devoted to agricultural uses.
- (3) Historic, cultural and scenic resources.
- (4) One-hundred year flood plain.
- (5) Alluvial or hydric soil areas, including wetlands.
- (6) Woodlands and slopes in excess of 15 percent.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2)

§27-507. Taxation of Development Rights.

Transferable development rights shall be considered real property. Upon transfer, the instrument conveying the development rights and accompanying deed of transfer of development rights shall be recorded in the Chester County Recorder of Deeds office and notification given by the Township to the Chester County Board of Assessment so that proper reassessment may occur.

(*Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2*)

§27-508. Public Acquisition.

London Grove Township may purchase development rights and may accept ownership of development rights through transfer by donation. All such development rights shall be either retired by the Township or held in a TDR account for future sale to receiving area properties. Any such purchase or donation shall be accompanied by a deed of transfer of development rights, as prescribed in §27-503.D, above.

(*Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2*)